



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/729,678

12/04/2000

Ivo Zinkov

11.1120

6740

7590

09/21/2004

Darcel Walker  
8107 Carvel Lane  
Houston, TX 77036

EXAMINER

POKRZYWA, JOSEPH R

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 09/21/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/729,678

Applicant(s)

ZINKOV ET AL.

Examiner

Joseph R. Pokrzywa

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Preliminary Amendment*

1. Applicant's preliminary amendment was received on 1/10/01, and has been entered and made of record. Currently, **claims 7-19** are pending.

### *Drawings*

2. The drawings are objected to because each of Figs. 1-9 contain hand-drawn images or characters making the drawings unclear and hard to read. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 7-18** are rejected under 35 U.S.C. 102(b) as being anticipated by Feder (U.S. Patent Number 5,872,845).

Regarding **claim 7**, Feder discloses a system for transmitting facsimile information over a global computer network in which the sender receives a confirmation immediately after sending the facsimile information (column 5, lines 7-46, and column 11, lines 50-59) comprising an originating facsimile machine (fax 110, see Fig. 1), a receiving facsimile machine (fax 170, see Fig. 1), a first facsimile access device connected to the originating facsimile machine for enabling the originating facsimile machine to access a global computer network (interface 120, column 7, line 44-column 8, line 36), a second facsimile access device connected to the receiving facsimile machine to access a global computer network (interface 160, column 9, line 14-column 10, line 3), conversion and routing software for directing facsimile information via the global computer network to the receiving facsimile machine (column 5, lines 7-46, and column 8, lines 1-67), and software for confirming at the originating facsimile machine the receipt of the transmitted facsimile information by the receiving facsimile machine (column 11, lines 50-59).

Regarding **claim 8**, Feder discloses the system discussed above in claim 7, and further teaches that the first and second facsimile access devices comprise an input modem for providing communication with the facsimile machine (column 5, lines 47-66), an output modem for

Art Unit: 2622

providing communication with the global computer network (column 5, lines 47-66), an adapter associated with the input modem which assist in establishing the connection of the facsimile machine and a facsimile access device (receiver 210, see Fig. 2A), software for converting and routing information through the global computer network (column 11, line 60-column 12, line 14), and a central processing unit for executing the software to the computer network (controller 240, see Fig. 2A).

Regarding *claim 9*, Feder discloses the system discussed above in claim 8, and further teaches that the adapter connects a facsimile access device to a current source that applies current sufficient to simulate the line voltage of a facsimile telephone line and establish communication between the access device and facsimile machine (column 6, lines 3-32, and column 7, lines 24-54).

Regarding *claim 10*, Feder discloses the system discussed above in claim 8, and further teaches an internal power supply in an access device for supplying current to adjust the line voltage of a facsimile telephone line (column 6, lines 3-32, and column 7, lines 24-54).

Regarding *claim 11*, Feder discloses the system discussed above in claim 7, and further teaches that an access device further comprises a memory unit for storing transmitted and received information and operational software (column 5, lines 47-55, and column 7, line 44-column 8, line 16).

Regarding *claim 12*, Feder discloses a method for transmitting a facsimile message over a global computer network in which the sender receives a confirmation immediately after sending the facsimile information (column 5, lines 7-46, and column 11, lines 50-59) comprising receiving a facsimile initiation access call at a first facsimile access device from an originating

Art Unit: 2622

facsimile machine (see Fig. 1, column 7, lines 18-54), establishing communication between the originating facsimile machine and the first facsimile access device (column 7, lines 18-54), transmitting a facsimile message from the originating facsimile machine to the facsimile access device (column 7, lines 18-67), converting the faxed message from the originating facsimile machine into an e-mail message format (column 8, lines 17-67, and column 11, line 60-column 12, line 14), routing the facsimile message to a second facsimile access device connected to a destination facsimile machine (column 9, lines 14-column 10, line 3), and sending a confirmation message to the first facsimile access device from the second facsimile access device when the second facsimile receives the facsimile message (column 11, lines 50-59).

Regarding *claim 13*, Feder discloses the method discussed above in claim 12, and further teaches that in the receiving step, the initiation access call involves dialing a destination facsimile machine fax number (column 7, lines 18-67).

Regarding *claim 14*, Feder discloses the method discussed above in claim 12, and further teaches that the establishing step comprises the step of signaling the originating facsimile machine by the first facsimile access device that the access is ready to receive incoming information to be faxed (column 7, lines 18-67).

Regarding *claim 15*, Feder discloses the method discussed above in claim 13, and further teaches of simultaneously with the receiving and establishing steps, the steps of capturing the dialed destination facsimile number by the first facsimile access device, digitizing the dialed destination facsimile number, and passing the digitized dialed destination facsimile number to facsimile access device software for conversion to an e-mail address (column 7, line 44-column 8, line 67).

Regarding *claim 16*, Feder discloses a method for transmitting a facsimile message over a global computer network in which the sender receives a confirmation immediately after sending the facsimile information (column 5, lines 7-46, and column 11, lines 50-59) comprising reading a facsimile message into a sending facsimile access device (see Fig. 1, column 7, lines 18-54), disconnecting the sending facsimile machine from the sending facsimile access device (column 6, lines 3-64, and column 7, lines 18-54), connecting the sending facsimile access device to a receiving facsimile access device via a global computer network (column 9, line 14-column 10, line 3), transmitting the facsimile message to the receiving facsimile access device (column 9, line 14-column 10, line 3), and sending a confirmation message to the sending facsimile device from the receiving facsimile device, when the receiving facsimile device receives the facsimile message (column 11, lines 50-59).

Regarding *claim 17*, Feder discloses the method discussed above in claim 16, and further teaches that in the connecting step, the sending facsimile access device connects to the receiving facsimile access device by contacting the receiving facsimile's fully qualified host name (column 8, lines 1-67).

Regarding *claim 18*, Feder discloses the method discussed above in claim 16, and further teaches that after the transmitting step, the step of sending the facsimile message received at the receiving facsimile device to the receiving facsimile machine (column 9, line 53-column 10, line 3).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over Feder (U.S. Patent Number 5,872,845) in view of Murphy (U.S. Patent Number 6,028,679).

Regarding **claim 19**, Feder discloses the method discussed above in claim 18, but fails to expressly disclose the step of displaying the status message on an LCD of the sending facsimile access device after the sending step.

Murphy discloses a method for transmitting a facsimile message over a global computer network (see abstract) comprising reading a facsimile message into a sending facsimile access device (column 3, lines 25-47), connecting the sending facsimile access device to a receiving facsimile access device via a global computer network (column 4, line 21-column 5, line 42), transmitting the facsimile message to the receiving facsimile access device (see Figs. 1 and 2), and sending a confirmation message to the sending facsimile device from the receiving facsimile device (column 5, lines 4-41).

Continuing, Murphy further teaches that after the sending step, the step of displaying the status message on an LCD of the sending facsimile access device (column 5, lines 4-41).

Feder & Murphy are combinable because they are from the same field of endeavor, being systems that transmit facsimile data through the Internet using an interface device connected to the transmitting facsimile machine.



Art Unit: 2622

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the LCD taught by Murphy in the sending facsimile access device taught by Feder.

The suggestion/motivation for doing so would have been that Feder's system would become more user-friendly with the addition of Murphy's teachings, as the user would be able to view a message on a display screen, thus having a visual confirmation of the message status.

Therefore, it would have been obvious to combine the teachings of Muprhy with the system of Feder to obtain the invention as specified in claim 19.

***Citation of Pertinent Prior Art***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

**Kulakowski** (WIPO Publication Number WO 97/10668) discloses a system that interfaces a transmitting facsimile machine to allow for e-mail transmission over the Internet of the facsimile message.

Art Unit: 2622

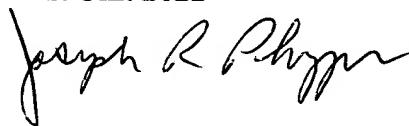
***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa  
Examiner  
Art Unit 2622



jrp